

## ORDINANCE NO. 32-39

By Mr. Harlor

Providing license to abutting property owners to landscape that portion of Ruhl Avenue lying between the East line of North Parkview Avenue and the West line of Northview Avenue.

Whereas, Ruhl Avenue has been heretofore duly dedicated to the City for street purposes, but that part of said avenue lying between the east line of North Parkview Avenue and the west line of Northview Avenue has not been opened to traffic, or improved, and

Whereas, all of the owners of lots and lands bounding and abutting upon said Avenue between said points have petitioned the council to vacate said avenue between said points so that said avenue as vacated could be used for lawn purposes, thereby improving the appearance thereof, and

Whereas, the Council is of the opinion that there is no present need for said street to be opened or improved, but that said street should not be vacated at this time, as the same might be necessary for public use at some future time, and that meanwhile it would not be detrimental to the public interests to permit the abutting property owners to beautify the same with grass, or shrubbery, or otherwise to landscape the same, subject, however, to, and with the distinct understanding of said property owners that in permitting such use the City is not surrendering or intending to surrender any right or interest which it may have in the avenue, or to cause the same later to be opened or improved for public use, NOW, THEREFORE: BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEAVER, STATE OF OHIO:

Section 1. That said Ruhl Avenue between the east line of North Parkview Avenue and the west line of Northview Avenue shall not be opened or improved for public use at this time, and that until such time as the same shall be determined by

council to be necessary for public use, the owners of the lots and lands bounding and abutting upon said avenue between said points shall have the license and permission to beautify the same by the use of grass, shrubbery, or by otherwise landscaping the same, without, however, any obligation or liability on the part of the City to permit the continuance thereof beyond such time as council may find said avenue to be necessary for public use. In the event that council shall later open said avenue to traffic, or improve the same, said abutting property owners, by their proceeding under authority hereof to so beautify or landscape said avenue, shall not have or assert any claim or claims against the city by reason of the removal or destruction of any grass, shrubbery, or other landscaping, which they may have placed within the boundaries of said avenue.

Section 2. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed June 13, 1939.

S. W. Roderick  
Attest S. W. Roderick  
Clerk

F. H. Bonnet  
President of Council

Approved June 13, 1939.

W. H. Schneider  
Mayor

I, S. W. Roderick, Auditor of the City of Bexley, State of Ohio, do hereby certify that there is no newspaper published in said municipality and that publication of the foregoing ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council as follows: Main Street and Parkview Avenue, Main Street and College Avenue, Main Street and Drexel Avenue, Broad Street and Drexel Avenue and Parkview Avenue and Clinton Avenue each for a period of fifteen days commencing on the 14th day of June, 1939.

S. W. Roderick  
Auditor of the City of Bexley.